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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,609	07/27/2005	Kurt Hess	1867-0082	8991

7590 08/27/2007  
Maginot Moore & Beck LLP  
Chase Tower  
111 Monument Circle, Suite 3250  
Indianapolis, IN 46204-5109

EXAMINER
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NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,609	<b>Applicant(s)</b> HESS ET AL.	
	<b>Examiner</b> HUNG T. NGUYEN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/04/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4 & 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikawa et al. (U.S. 6,552,664).

Regarding claims 1, 4 & 21-22, Nishikawa discloses a fire / smoke detector (1) [ figs. 1, 5-6, col.1, lines 44-55 and col.7, lines 8-19 ] comprising:

- a housing (100) for housing / covering a modular construction of fire detector [ figs. 1-2, col.3, lines 31-41 ];

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- insertable detectors as smoke (1) and temperature (2), photo-diode (11) and other types of detectors having printed circuit / printed board (110) for detecting smoke density and presence of fire around the detector have been programmed [ figs.1,3,6-9, col.1, lines 44-65 and col.3, lines 29-54 and col.4, lines 5-17 ];
- an electronic evaluation system in the form of signal processing unit (3) [ fig.3, col.4, lines 5-16 ];
- an optical guide (120) coupled with the printed circuit (110) to form an open bent path (122) for capturing an outside air with possible smoke particles [ figs.1-2, col.3, lines 36-48 ] ;
- the photo-diode (11) is disposed at the other end of the path (122) to receive a diffused light from the LED (10) through a prism (124) to flow a current of varying level indicative of a smoke density in the air [ col.3, lines 41-48 ];
- the sensor arrangement and the access opening are arranged substantially in one plane [ fig.1 ];
- the insertable detectors as smoke (1) and temperature (2), photo-diode (11) and other types of detectors having printed circuit / printed board (110) for detecting smoke density and presence of fire around the detector have been programmed in a memory device of the IC chip [ figs.1,3,6-9, col.1, lines 44-65 and col.3, lines 29-54 and col.4, lines 5-17 ].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 8-13 & 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (U.S. 6,552,664).

Regarding claims 5-6, Nishikawa does not specifically mention details about housing constructions including hood forms access openings , bridges as claimed by applicant because those subjects are well known and the housing constructions are NOT primary subject of the invention and it is obvious design choice of the skilled artisan.

Therefore, it would have been obvious to one having ordinary skill in the art to modify the housing including hood forms access openings and bridges in the system of Nishikawa to perform the same function as desired.

Regarding claim 8 & 10-12, Nishikawa discloses the detectors as smoke (1) and temperature (2) and other types of detectors coupled with a printed circuit (110) for detecting smoke density and presence of fire around the detector [ figs.1,3,6-9, col.1, lines 44-65 and col.3, lines 29-54 and col.4, lines 5-17 ].

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Regarding claims 9, 13 & 18, please see claims 5-6 above.

Regarding claims 19-20, Nishikawa discloses the detectors as smoke (1) and temperature (2) and other types of detectors coupled with a printed circuit (110) for detecting smoke density and presence of fire around the detector and gives warning messages in cases of high smoke density and condition of fire [ figs.1,3,6-9, col.4, lines 5-17 and lines 45-64 ].

5. Claims 7 & 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (U.S. 6,552,664) in view of Rattman et al. (U.S. 6,756,905).

Regarding claims 7 & 14, Nishikawa discloses the detectors as smoke (1) and temperature (2), photo-diode (11) and other types of detectors coupled with a printed circuit / printed board (110) for detecting smoke density and presence of fire around the detector [ figs.1,3,6-9, col.1, lines 44-65 and col.3, lines 29-54 and col.4, lines 5-17 ];

- an optical guide (120) coupled with the printed circuit (110) to form an open bent path (122) for capturing an outside air with possible smoke particles [ figs.1-2, col.3, lines 36-48 ]; and
- the photo-diode (11) is disposed at the other end of the path (122) to receive a diffused light from the LED (10) through a prism (124) to flow a current of varying level indicative of a smoke density in the air [ col.3, lines 41-48 ].

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- the housing (100) for housing / covering a modular construction of fire detector [ figs.1-2, col.3, lines 31-41 ] without mention labyrinth system as claimed by applicant.

Furthermore, Rattman teaches a measuring smoke detector chamber (30) including labyrinth system (38) extending generally around the entire side wall for ingress and egress of smoke particles, a top and bottom [ abstract, col.8,lines 31-46 and col.9, lines 12-16 ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Rattman in the system of Nishikawa for measuring the smoke detection chamber & providing numerous clear paths for passage of smoke particles into and out of the smoke detection chamber.

Regarding claims 15-16, Nishikawa & Rattman do not specifically mention details about housing constructions including multiple connectors, a multi plug as claimed by applicant because those subjects are well known and the housing constructions are NOT primary subject of the invention and it is obvious design choice of the skilled artisan.

Regarding claim 17, Nishikawa discloses the detectors as smoke (1) and temperature (2) and other types of detectors coupled with a printed circuit (110) for detecting smoke density and presence of fire around the detector and gives warning messages in cases of high smoke density and condition of fire [ figs.1,3,6-9, col.4, lines 5-17 and lines 45-64 ].

### **Arguments & Responses**

6. Applicant's argument filed on 7/12/2007 have been fully considered but they are not persuasive reasons in the following:

A/ Applicant states that Nishikawa fails to discloses detectors modules having sensors for different fire parameters.

B/ Applicant states that Nishikawa fails to discloses all detection modules being compatible within a single housing.

C/ Applicant states that Nishikawa fails to discloses the sensor arrangement and the access opening are arranged substantially in one plane.

### **Response the argument:**

A/ Nishikawa teaches the insertable detectors as smoke (1) and temperature (2), photo-diode (11) and other types of detectors (IC1-IC5) having printed circuit / printed board (110) for detecting smoke density and presence of fire around the detector have been programmed in a memory device of the IC chip [ figs.1,3,6-9, col.1, lines 44-65 and col.3, lines 29-54 and col.4, lines 5-17 ].



B/ Nishikawa teaches multi detectors (1-2,11) & detectors (IC1-IC5) linked with the signal processing unit (3) being compatible within a single housing [ figs.1-3, col.4, lines 5-16 ].

C/ Nishikawa teaches the sensor arrangement and the access opening are arranged substantially in one plane [ fig.1 ].

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-

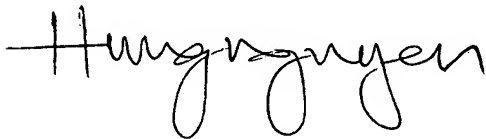
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2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffrey can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Hung T. Nguyen', with a stylized, cursive script.

Examiner: Hung T. Nguyen

Date: Aug. 23, 2007